

## **Minutes for Zoning Board of Adjustment September 4, 2014**

### **Roll Call**

Present for the hearing were Chairman Smith, Skinner, Donahue, Bailey, and Ruttenberg. Members of the public present included Rosa Benoir and Scott Benoir. Michele Braun was present as Zoning Administrator.

The Board met at 5:00 pm at 35 Pleasant Street for a site visit, to inform deliberation on Hearing 140828: Scott Benoir has appealed a decision of the Administrative Officer that he has been using the property of Rosa Benoir at 35 Pleasant Street for the conduct of his business.

The Board inspected the property, and asked questions of Mr. and Mrs. Benoir regarding the ownership and use of various structures and materials. Ms. Braun took photographs. At the conclusion of the site visit, the Board moved to the Town Manager's office to deliberate. Ms. Braun was present to provide access to the town offices and zoning files, as needed.

Bailey moved and Ruttenberg seconded that the Board find the following:

1. Neither Scott nor Rosa Benoir resides at 35 Pleasant Street, so neither is eligible for a home occupation permit per Section 4.03 of the Bylaws for the Regulation of Land Use in the Town and Village of Northfield, Vermont.
2. The business operated is in violation of Sections 4.03(B)(3), 4.03(B)(4), 4.03(B)(5), 4.03(F), and 5.05(2).
3. The business does not meet criteria in Section 6.09 for a permitted or conditional use in the Residential B District.

Therefore, the business which has been operated at 35 Pleasant Street is in violation of zoning regulations. The property owners have until Wednesday, ~~October 15, 2014~~, November 12, 2014, to remove any materials and/or structures identified as being in violation of those regulations, including, but not limited to, all propane tanks except the one that serves the mobile home, the roof over the fence/woodpile, all unregistered vehicles and trailers, and all materials (lumber, pipes, tanks, barrels, etc) not stored in enclosed buildings.

Benoir must apply for a revised permit for the structure approved 1/27/2011, which has been expanded beyond the dimensions approved. Application must be received no later than November 12, 2014. If application is not received, the structure must be either returned to the size which was approved or torn down completely.

Any other business proposed for the property must receive a home occupation permit in advance.

Bailey moved to amend the date, October 15, and replace it with the date, November 12; Ruttenberg seconded the motion. The motion to amend passed 5-0-0.

**The amended motion passed 5-0-0.**

**These minutes are subject to approval at the next regular meeting; however, they are substantially correct.**